

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. 5:23-cv-00941-JLS-AJR

Date: October 13, 2023

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Title: Michael D. Bolton v. Steve’s Towing, et al.

DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD
NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

PRESENT:

HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE

Claudia Garcia-Marquez

Deputy Clerk

None

Court Reporter/Recorder

None

Tape No.

ATTORNEYS PRESENT FOR
PLAINTIFF:

None Present

ATTORNEYS PRESENT FOR
DEFENDANTS:

None Present

PROCEEDINGS: (IN CHAMBERS)

On May 23, 2023, *pro se* Plaintiff Michael Dwayne Bolton (“Plaintiff”) filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against (1) Steve’s Towing, “Marcia” Impounds/Storage Clerk and (2) “John Jane Doe’s, Attendants Steve’s Impound Bus. [sic]” in their individual and official capacities. (See Dkt. 1 “Complaint.”) On September 1, 2023, this Court issued an order dismissing the Complaint with leave to amend for various pleading deficiencies. (Dkt. 9). The Court ordered Plaintiff to file an amended complaint on or before October 1, 2023 and warned that failure to file an amended complaint could result in the dismissal of this action for failure to prosecute. (*Id.* at 5.)

As of today, Plaintiff has neither filed an amended complaint nor requested an extension of time in which to do so. Plaintiff is ordered to file a First Amended Complaint (“FAC”), if any, by **October 26, 2023** or show cause why the action should not be

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dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a FAC, it should attempt to remedy the pleading defects identified in the September 1, 2023 (Dkt. 9), bear the docket number assigned to this case (5:23-cv-00941-JLS-AJR), be labeled "First Amended Complaint," and be complete in and of itself without reference to the original Complaint or any other documents (except any documents that Plaintiff chooses to attach to the FAC as exhibits). Plaintiff is encouraged to state his claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant.

Plaintiff is expressly advised that if he does not file a FAC by the Court's deadline or respond to this order, the Court will recommend that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey Court orders. If Plaintiff no longer wishes to pursue this action or certain claims or defendants, he may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff's convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).